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Glenn Cowelchuk

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EXAMINER

WATKINS III, WILLIAM P

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte GLENN COWELCHUK,
RANDY S. REED,
MICHAEL P. SCHOEMANN
And JOHN D. YOUNGS

Appeal 2008-1249
Application 10/821,058
Technology Center 1700

Decided: February 14, 2008

Before EDWARD C. KIMLIN, BRADLEY R. GARRIS, and THOMAS A.
WALTZ, *Administrative Patent Judges*.

GARRIS, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellants appeal under 35 U.S.C. § 134 from the Examiner's
decision rejecting claims 1-15. We have jurisdiction under 35 U.S.C. § 6.
We REVERSE.

Appellants claim a two-shot injection molded polymeric component (e.g., a car door interior panel). The component 10 comprises a first injection molded portion 20 including first 22 and second 24 opposing sides, and a second injection molded portion 28 formed such that some of the second portion is disposed adjacent the first side 22 of the first portion and some of the second portion is disposed adjacent the second side 24 of the first portion, the second portion including an attachment feature 32 integrally molded therewith and configured to facilitate attachment of an object 38 (claim 1; Fig. 2).

Representative claim 1 reads as follows:

1. A two-shot injection molded polymeric component, comprising:

a first injection molded portion made from a polymeric material and including first and second opposing sides; and

a second injection molded portion made from a polymeric material, and formed such that at least some of the second portion is disposed adjacent the first side of the first portion and at least some of the second portion is disposed adjacent the second side of the first portion, the second portion including an attachment feature integrally molded therewith, the attachment feature being configured to facilitate attachment of an object to be attached proximate one side of the first portion.

The references set forth below are relied upon by the Examiner as evidence of obviousness:

Springer	US 2003/0194542 A1	Oct. 16, 2003
Brozenick	US 2004/0247828 A1	Dec. 9, 2004
Schwarzwaldner	US 2005/0043431 A1	Feb. 24, 2005

All of the appealed claims are rejected under 35 U.S.C. § 103(a) as being unpatentable over Springer in view of Brozenick and Schwarzwaldner. The Examiner concludes that "[i]t would have been obvious to one of ordinary skill in the art to have formed the fasteners [i.e., attachment features] of Springer by molding plastic that passes through a hole in the trim substrate of Springer and attaches to a skin layer on the other side in order to better secure the fasteners to the trim substrate because of the teachings of Schwarzwaldner . . . and Brozenick . . ." (Ans. 4).

We agree with Appellants that the Examiner's obviousness conclusion is not well-founded.

Springer discloses a car door interior panel having a backside to which are attached by injection molding components corresponding to the claim 1 attachment feature (paras. 0041-0042; Figs. 1-2). An aspect or feature of Springer's invention is to eliminate show-through of backside features onto the show or front surface of the panel (paras. 0021, 0047). Claim 1 distinguishes from Springer by requiring a component (e.g., a panel) comprising a first polymeric portion on opposing sides of which is disposed a second polymeric portion that includes an attachment feature.

The Examiner relies on Brozenick and Schwarzwaldner for supplying the Springer panel with the above discussed requirements of claim 1. This reliance is misplaced for a number of reasons.

First, the Examiner's afore-quoted, proposed modification of Springer with the teachings of Brozenick and Schwarzwaldner is contrary to Springer's above-mentioned desire to eliminate show-through of backside features onto

the show or front surface of a panel. In support of his contrary view, the Examiner points out that Brozenick "explicitly teaches steps to be taken to mitigate this potential problem in section [i.e., paragraph] 0053" (Ans. 6-7). This teaching of Brozenick relates to providing an article with a cosmetic surface in the context of Brozenick's invention. However, the Examiner has failed to explain how and why an artisan would have combined this teaching with the invention of Springer in such a way as to yield the claim 1 subject matter while also achieving Springer's goal of eliminating show-through of backside features.

Second, the claim 1 subject matter is derivable from the applied prior art only by combining selective teachings from each of the three references, and the Examiner has not provided an acceptable reason or suggestion as to how and why an artisan would have selectively chosen and combined such teachings. For example, Brozenick (Fig. 1) teaches a technique for joining thermoplastic sheets which results in a first sheet or portion on both sides of which is disposed a second sheet or portion. However, this second sheet or portion does not include the attachment feature required by claim 1. On the other hand, while the technique of Schwarzwaldner includes formation of an attachment feature (para. 0082), this technique does not produce a second portion on both sides of a first portion as required by claim 1. On the record before us, it appears that the Examiner has relied upon impermissible hindsight in piecing together selectively chosen teachings from amongst the three applied references in order to obtain the claim 1 subject matter.

For these reasons, we determine that the Examiner has failed to carry his initial burden of establishing a prima facie case of obviousness with respect to the subject matter defined by the appealed claims. *See In re Oetiker*, 977 F.2d 1443, 1445 (Fed. Cir. 1992). We cannot sustain, therefore, the § 103 rejection of claims 1-15 as being unpatentable over Springer in view of Brozenick and Schwarzwaldner.

The decision of the Examiner is reversed.

REVERSED

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